

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:04-CR-314-2-F

UNITED STATES OF AMERICA )  
v. )  
CRAIG EDWARD JOHNSON, )  
Defendant. )

O R D E R

This matter is before the court on the defendant's Motion for Out of Time Appeals and Motion for the Appointment of Counsel [DE-112]. The defendant, Craig E. Johnson, moved on July 28, 2009, for a reduction in his sentence [DE-109] pursuant to 18 U.S.C. § 3582, by virtue of the retroactive amendment to the Sentencing Guidelines for crack cocaine. That motion was denied by order of August 25, 2009, because Johnson, who was held responsible for more than 4500 grams of crack cocaine, was ineligible for the reduction. *See* [DE-111].

Johnson failed to file a notice of appeal of this court's order denying a reduction in his sentence within the time prescribed therefor by Rule 4(b)(1), FED. R. APP. P. Moreover, the period within which this court may extend the time to file a notice of appeal has expired. *See id.*, Rule 4(b)(4).

This court is without authority to grant Johnson the relief he seeks. Accordingly, both his Motion for Out of Time Appeals and his Motion for the Appointment of Counsel [DE-112] are DENIED.

SO ORDERED.

This the 23rd day of June, 2010.

  
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JAMES C. FOX  
Senior United States District Judge